
UNITED STATES DISTRICT COURT**EASTERN DISTRICT OF TEXAS**

MONSOUR MUHAMMAD,

Plaintiff,

*versus*MARY SPEARS, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:18-CV-475

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Monsour Muhammad, a prisoner confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, brought this civil rights action pursuant to 42 U.S.C. § 1983 and the Religious Land Use and Institutionalized Persons Act against Mary Spears, Aaron Tompkins, and Michael E. Rutledge.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends granting, in part, defendants' motion to dismiss and denying the motion, in part. The magistrate judge recommends dismissing plaintiff's claims for compensatory damages against all the defendants. Although unclear, the court interprets the magistrate judge's report to recommend dismissing the claims for injunctive relief against


Defendants Tompkins and Rutledge.¹ The magistrate judge recommends denying the motion to the extent that it requests dismissal of the claims against Defendant Spears for lack of standing.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (#14) is **ADOPTED**. Defendants' motion to dismiss (#13) is **GRANTED** to the extent that plaintiff's claims for compensatory damages against all the defendants and the claims for injunctive relief against Defendants Tompkins and Rutledge are **DISMISSED**. The motion is **DENIED** to the extent that Defendant Spears seeks dismissal of the claims against her for lack of standing.

SIGNED at Beaumont, Texas, this 23rd day of September, 2020.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE

¹ The magistrate judge explains that “[b]ecause the defendants are not in a position to provide plaintiff with injunctive relief, the claims for injunctive relief should be dismissed with respect to defendants Tompkins and Rutledge,” yet goes on to recommend that “[t]he claims for injunctive relief against defendants Tompkins and [] Rutledge should be granted.”